

Appl. No. 10/717,275  
Amdt. dated October 16, 2006  
Response to June 14, 2006 Restriction Requirement

**REMARKS**

In response to the June 14, 2006 Restriction Requirement, Applicant elects without traverse the subject matter claimed in Group IV (claims 10 and 11) for initial substantive examination. Applicant has withdrawn claims 1-9 without prejudice.

The Restriction Requirement states that claims 10 and 11 are generic to a plurality of patentably distinct species of yeast genera, EMF frequency ranges, and EMF field strength ranges. Applicant has now amended claim 10 to limit the various claim elements to a single species. Support for the amendments is in the specification at e.g., p. 15 and the claims as originally filed. Claim 11 is now cancelled.

Applicant makes this election expressly without waiver of his right to continue to prosecute and to obtain claims to the non-elected subject matter either in this application or by filing continuing applications claiming priority and benefit from this application.

Applicant submits that the application as amended is in condition for allowance,

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and early, favorable action is solicited.

Respectfully submitted,



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